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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,592	04/14/2000	Yoshiki Shiraishi	Q58859	8442

7590 08/03/2004

SUGHRUE MION ZINN MACPEAK & SEAS PLLC  
2100 Pennsylvania Avenue N W  
Washington, DC 20037

EXAMINER
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FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2616

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DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/549,592

**Applicant(s)**

SHIRAISHI ET AL.

**Examiner**

James A. Fletcher

**Art Unit**

2616

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 2-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Moriyama (4,680,647).

**Regarding claim 2**, Moriyama discloses an information reproducing apparatus which plays back an information medium in which at least image information and control information to control a play back form of the image information are recorded, comprising:

- a controller that plays back and controls the image information in a display form according to the control information, and that reports the play back control state, when the control information is detected at the time of play back of the information medium (Col 26, lines 6-9 “a control function for...displaying characters on the black background, or adding characters to a video signal”), wherein the control means stops the playback of the image information and reports the playback control state when the detected control

information is information to stop the playback (Col 27, liners 24-27 "a stop code recorded in the vertical blanking period is decoded in the player, and a still image is reproduced").

**Regarding claim 3**, Moriyama discloses an information reproducing apparatus which plays back an information medium in which at least image information and control information to control a play back form of the image information are recorded, comprising:

- a controller that plays back and controls the image information in a display form according to the control information, and that reports the play back control state, when the control information is detected at the time of play back of the information medium (Col 26, lines 6-9 "a control function for...displaying characters on the black background, or adding characters to a video signal"),
- wherein the control means is provided with storing means for previously storing report data to report the playback control state (Col 25, line 66 - Col 26, line 2 "The SWS decoder includes a control code buffer memory 20 for storing control codes in a prior frame. The control codes are read out of the control code buffer memory 20 and decoded, followed by various steps of processing"), and reports according to the report data corresponding to the control information (Col 26, lines 2-5 "A system controller 7 determines whether digital data is SWS data or character data, or data for comparison

with an external signal, and supplies various control data to respective blocks”).

**Regarding claim 4**, Moriyama discloses an information reproducing apparatus which plays back an information medium in which at least image information and control information to control a play back form of the image information are recorded, comprising:

- a controller that plays back and controls the image information in a display form according to the control information, and that reports the play back control state, when the control information is detected at the time of play back of the information medium (Col 26, lines 6-9 “a control function for...displaying characters on the black background, or adding characters to a video signal”),
- wherein the control information has at least any one piece of information of playback stop, still image play back, and automatic play back start of the image information (Col 27, lines 24-26 “a stop code recorded in the vertical blanking period is decoded in the player, and a still image is reproduced”).

**Regarding claim 5**, Moriyama discloses an information reproducing apparatus wherein information is displayed in a display form of a superimposition display (Col 26, lines 6-9 “a control function for...displaying characters on the black background, or adding characters to a video signal”).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriyama (4,680,647) as applied to claims above, and further in view of Mori et al (6,208,802).

**Regarding claim 6,** Moriyama does not disclose a means for detecting motion of the automobile.

Mori et al teach an information reproducing apparatus wherein the controller is provided with a detector that detects whether a car is stopped or not, and when the detector detects the state of on-traveling of the car, the controller inhibits the playback display of the image information, and reports the playback control state (Col 21, lines 41-44 "in the case where the disk reproduction apparatus is a device to be mounted in an automobile, the reproduction mode may be automatically switched in accordance with the state of motion of the automobile").

As taught by Mori et al, a video reproducer in a vehicle that is viewable by the driver needs a means of determining whether the driver may be provided with the distraction of the video playback for purposes of the safety of the driver, his or her passengers, and others.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Moriyama to detect vehicular motion when the apparatus is mounted in a vehicle.

**Regarding claim 7**, Moriyama does not disclose a response to a vehicular speed detector.

Mori et al teach an information reproducing apparatus wherein the information reproducing apparatus is provided with a reproduction device and speed detector operable to detect the present speed of the car (Col 20, lines 49-51 "a control signal indicating the state of motion of the automobile"), and when the detector detects the start of on-traveling of the car, the information reproducing apparatus displays and controls the information of the speed detector, and reports the playback control state (Col 20, lines 44-53 "For example, if the automobile is not moving, the reproduction mode may be switched to a video-oriented reproduction mode; conversely, if the automobile is moving, the reproduction mode may be switched to an audio-oriented reproduction mode").

As taught by Mori et al, a video reproducer in a vehicle that is viewable by the driver needs a means of determining whether the driver may be provided with the distraction of the video playback for purposes of the safety of the driver, his or her passengers, and others.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Moriyama to detect vehicular motion when the apparatus is mounted in a vehicle.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached at (703) 305-4380.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231



Art Unit: 2616

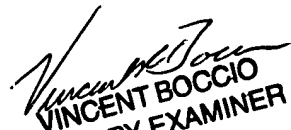
**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF  
July 23, 2004

  
VINCENT BOCCIO  
PRIMARY EXAMINER